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[additional moving parties and counsel listed on signature pages]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MIKE M. MADANI, *et al.*,

Plaintiffs,

vs.

SHELL OIL COMPANY, *et al.*,

Defendants.

CASE NO. CV-07 04296 MJJ

REQUEST FOR JUDICIAL NOTICE IN
CONJUNCTION WITH DEFENDANTS'
MOTION TO DISMISS

[MOTION TO DISMISS AND
DECLARATION OF STUART N. SENATOR
FILED CONCURRENTLY]

Date: December 18, 2007

Time: 9:30 a.m.

Dept.: Courtroom 11, 19th Floor

Judge: Hon. Martin J. Jenkins

Pursuant to Federal Rule of Evidence 201, defendants Shell Oil Company, Chevron Corporation, and Saudi Refining, Inc. respectfully request that this Court take judicial notice of the following documents, attached as exhibits to the Declaration of Stuart N. Senator filed concurrently herewith.

- Exhibit A - Decision of the Supreme Court of the United States in *Texaco Inc. v. Dagher*, 547 U.S. 1 (2006).
- Exhibit B - Complaint in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114, filed June 15, 1999.
- Exhibit C - August 13, 2002 Summary Judgment Order in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114
- Exhibit D - May 21, 2002 Summary Judgment Order in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114.
- Exhibit E - Decision of the Court of Appeals for the Ninth Circuit in *Dagher v. Saudi Refining, Inc.*, 369 F.3d 1108, 1113 (9th Cir. 2004).
- Exhibit F - First Amended Complaint in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114, filed June 15, 1999.
- Exhibit G - Second Amended Complaint in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114, filed January 26, 2000.
- Exhibit H - Stipulation and Order for Dismissal of Plaintiffs Madani and Peterson in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114, entered November 20, 2000.
- Exhibit I - Transcript of December 6, 1999 Hearing on Defendants' Motion to Dismiss in *Dagher v. Saudi Refining, Inc.*, U.S.D.C., C.D. Cal., Case No. CV-99-06114.

Each of these documents is a public record and, therefore, properly subject to judicial notice. *See Mir v. Little Co. of Mary Hosp.*, 844 F.2d 646, 649 (9th Cir. 1988) (court may "take judicial notice of matters of public record"). Moreover, the *Madani* complaint centrally references and relies upon the proceedings in *Dagher*. *See Madani* complaint, ¶¶ 57-63. For this

1 additional reason, the Court can and should take judicial notice of these materials on defendants'
2 motion to dismiss. *See United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003) (materials
3 central to a complaint may be considered on a motion to dismiss even if not attached to the
4 complaint); *Branch v. Tunnell*, 14 F.3d 449, 454 (9th Cir. 1994) (overruled on other grounds by
5 *Galbraith v. County of Santa Clara*, 307 F.3d 1119 (9th Cir. 2002)) (“[D]ocuments whose
6 contents are alleged in a complaint and whose authenticity no party questions, but which are not
7 physically attached to the pleading, may be considered in ruling on a Rule 12(b)(6) motion to
8 dismiss.”).

9 DATED: Nov. 1, 2007

MUNGER, TOLLES & OLSON LLP

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11 By: 

STUART N. SENATOR

12 Attorneys for Defendant SHELL OIL COMPANY

13
14 DATED: Nov. 1, 2007

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9 **Filer's Attestation:** Pursuant to General Order No. 45, § X(B), I attest under
10 penalty of perjury that concurrence in the filing of this document has been obtained from each of
11 its signatories.

12 Dated: November 1, 2007

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